

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	FINAL ORDER OF
	:	DISCIPLINE
MARYANN BISNAUTHSING, LPN	:	
License # 26NP05850800	:	
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Maryann Bisnauthsing ("Respondent") is a Licensed Practical Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about April 25, 2014, Respondent completed and submitted an online biennial renewal application. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the biennial renewal period of

June 1, 2012 to May 31, 2014. Respondent answered "Yes" and certified that answer by submitting the online application.

3. Upon receipt of information indicating that Respondent was arrested on February 11, 2015, by members of the East Brunswick Police Department for violation of N.J.S.A. 2C:20-3A (Theft of Movable Property), the Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education to Respondent's address of record in South Amboy, New Jersey, via regular and certified mail on or about February 12, 2015.

4. On or about March 31, 2015, the Board received a response through Respondent's attorney indicating that he would not be providing any of the information requested as the matter was pending and "protected under Attorney-Client privilege at this time." Additionally, he stated that Respondent had taken her continuing education courses through her employer and was enrolled in school to become an RN and that her coursework satisfied her requirements. However, no proof was provided. The attorney further indicated that a performance evaluation would be provided under separate cover, but it was never received.

DISCUSSION

Based on the foregoing Findings of Fact and Conclusions of Law below, a Provisional Order of Discipline seeking a reprimand, a suspension and a seven hundred fifty dollar (\$750) aggregate civil penalty was entered on January 12, 2016. A copy was served on Respondent via regular and certified mail to her attorney. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore.

Respondent replied by her attorney to the Provisional Order of Discipline, fully responding to the Board's request for information. In the responsive letter, Respondent's attorney indicated that Respondent served a one-year period of probation and that at its conclusion, the charges against her were dismissed. The attorney further argued that Respondent should not be penalized because she did not respond to the Board's initial request for information based on advice of counsel and

after invoking her rights under the Fifth Amendment to the United States Constitution. The Board notes, however, that Respondent's Fifth Amendment rights do not absolve her of the requirement that she provide non-narrative information sought by the Board, such as information about the criminal action against her. Respondent's failure to cooperate with the Board's investigation by fully responding to the letter of inquiry necessitated the filing of a POD with concomitant expenditures of time, effort and resources. Thus, the five hundred dollar (\$500) civil penalty is warranted.

With regard to the continuing education requirements, Respondent provided a transcript demonstrating completion of continuing education credits and is working on obtaining her RN degree. Thus, the suspension, reprimand and two hundred fifty dollar (\$250) penalty are no longer warranted.

CONCLUSIONS OF LAW

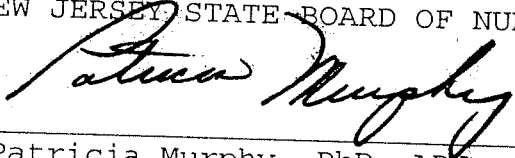
Respondent's failure to timely respond to the Board's requests for information constitutes a failure to cooperate with a Board investigation in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

ACCORDINGLY, IT IS on this 01 day of July, 2016,
ORDERED that:

1. Respondent is assessed a civil penalty in the amount of five hundred (\$500), for failure to cooperate with a Board investigation. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to Leslie Burgos, Board Staff, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this Order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD, APN
Board President